

# COURTSIDE

Winter 2015-2016

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## From The Senior Partner...

As we approach the end of 2015, and the beginning of 2016, there are many exciting changes happening at our law firm. First, we are happy announce that we have just opened a fully-staffed, brand new Toms River office in order to better serve our clients in the southern counties of the State. The office is up and running and located at 506 Hooper Avenue, in Toms River. We are also proud to report that HC&B had three of the **“Top Twenty Personal Injury Results”** listed in the New Jersey Law Journal for 2015. As our commitment to providing excellent legal representation continues, our objective remains to constantly exceed your expectations and hope that you award us the highest compliment: your recommendation of our firm to others in need. As the holiday season is upon us, we want to thank our clients, our colleagues, and our many friends for their support. It is your support that has allowed us to continue to grow and prosper. We hope you find this issue of Courtside of interest and we wish you all a safe and healthy holiday season, and I extend our best wishes to you and your families a healthy, happy and peaceful new year.

**-Norm Hobbie**



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“Our practice is limited exclusively to Plaintiffs’ Personal Injury and Criminal Defense Litigation, Workers’ Compensation and Toxic Torts. Our Certified Attorneys pay referral fees in accordance with New Jersey Law and the Rules of Professional Conduct.”

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# Passenger Hurt in New York Ferry Crash to Receive \$5 Million



As we reported in our last year's issue of *Courtside*, on January 9, 2013 the SeaStreak Wallstreet commuter ferry violently allided with a dock as it approached downtown Manhattan, causing severe, permanent, and life-altering injuries to dozens of passengers. Within a week of the crash, Petitioner SeaStreak, LLC, filed a maritime limitation action pursuant to an antiquated and judicially disfavored admiralty statute seeking to be exonerated from any liability for the severe injuries it caused or, in the alternative, for its liability for all claims against it (49 claims were filed) to be

limited to the value of the vessel, which is \$7.6 Million. The United States District Court appointed Norman Hobbie as Claimants' Lead Counsel. A hotly contested maritime litigation later ensued, with Norman leading the charge on behalf of the passengers who were injured. We are proud to report that all 14 of the passengers represented by HC&B successfully resolved their claims. J.U., who sustained the most serious injuries in the crash, which included a skull fracture, and multiple facial fractures requiring multiple surgical procedures, received a \$5 Million Settlement.

## \$3.4 Million Settlement Awarded To Portee Claimants

Two minors who witnessed the fatal injuries sustained by a close relative in a crash with a race official during a competitive cycling race resolved their Portee claims *via* mediation and settled during jury selection in Middlesex County. During this hotly contested case, it was

established that the race officials, sponsors and drivers all failed to follow the applicable safety rules. The settlement was intended to compensate the two minors, who were both standing at the finish line, and witnessed the devastating crash. Norm prosecuted a unique type of claim

(known as a Portee claim) that permits a plaintiff who witnesses a close family member sustain serious or fatal injuries as a result of the defendant's wrongful conduct to recover damages for severe emotional distress.

## \$1.3 Million Settlement for Injured Pedestrian

NMH represented R.B. who resolved her struck pedestrian case for \$1.3 Million after a full-day mediation. On June 7, 2013, the Defendant carelessly, negligently and recklessly drove his commercial transportation van directly into R.B., a pedestrian who was lawfully and properly walking across Bay Avenue within a marked/designated pedestrian crosswalk. R.B. was transported to the Regional Trauma Center where she was evaluated

and admitted under the care of the trauma team. R.B. (then age 39), a single, working mother of two young boys (ages 6 and 9) was diagnosed with 4 displaced left side rib fractures, a pelvic and a disc bulge at L5-S1, which required a two-week hospitalization, followed by a month-long inpatient admission to a sub-acute rehabilitation facility. She did not undergo any surgical procedures. Norm argued that the transportation company knew that a crash

of this nature was inevitable (given the dangerous driving history of their driver who was a demonstrated menace to innocent motorists and pedestrians), and therefore the conduct of the company in permitting him to continue to drive their commercial vehicles demonstrated a reckless disregard for the protection of the life, health and safety of the public, warranting punitive damages.

## \$3.95 Million Awarded To Portee Claimant In Defective Dishwasher Lawsuit

An appliance manufacturer and an appliance repair company agreed to pay a \$3.95 Million settlement to a Portee claimant in a hotly contested Monmouth County Case arising from a fatal house fire caused by a defectively designed dishwasher that was not properly retrofitted following a recall. Norm represented R.L., who had the retrofit performed in 2007. However, the service technician failed to remove the defective harness in R.L.'s dishwasher, and two years later, the harness ignited causing a catastrophic fire in the middle of the night while R.L. and his son L.A. were both

sleeping. When R.L. and L.A. became separated by the flames and smoke, R.L. escaped through a second-floor window and ran back to the front of the house to find L.A. L.A. had attempted to make it out the front door. R.L. observed his son's body still burning and smoking at the scene. L.A. died on January 17, 2012, due to complications of his injuries. R.L. was diagnosed with pulmonary problems and with post-traumatic stress disorder. In addition the hotly contested liability issues associated with the cause of the fire, R.L.'s emotional distress damages claim was

contested, and formed the subject of multiple appeals, resulting in a published precedential decision in R.L.'s favor.



## Man Struck While Crossing Street Settles Monmouth County Suit for \$2M

Norm represented B.N., in a contested liability case arising from a struck pedestrian collision. B.N., age 61, was struck by a motorist while walking across Route 9 where it intersects Strickland Road. Norm successfully established that B.N. had the green light and was in the crosswalk when he was hit by C.M. of Howell, who was making a left turn from Strickland onto

Route 9 North. B.N. was diagnosed with a pelvic ring fracture, for which he had surgery with screw fixation. He also sustained a spinal fracture that was treated non-operatively with a special orthopedic brace. Norm also argued that B.N. suffered a head injury that resulted in cognitive impairment. This claim was hotly contested because B.N. had been diagnosed with Parkinson's

disease, the symptoms of which began to occur as early as six months before the crash, and there was significant overlap between the functional limitations associated with the illness and the traumatic brain injury. B.N.'s case settled for \$2 Million during mediation.

## Toms River Man Settled Personal Injury Suit for \$1,240,000

Norm represented M.M., who successfully resolved his personal injury for \$1.24 Million several weeks before it was scheduled to proceed to trial in Ocean County. Plaintiff, M.M.,

was injured in an automobile collision which caused him to sustain multiple herniated discs in his neck. After his symptoms failed to resolve following physical therapy and different modes

of pain management injections and procedures, M.M. underwent a four level cervical fusion. The case was contested by the defense on both liability and causation.

# \$1.5 Million Settlement For Slip And Fall Injuries

Norm represented T.F., who settled his personal injury case for \$1.5 Million during mediation. On November 8, 2012 at approximately 8:15 a.m., T.F. entered a Colts Neck shopping plaza to purchase coffee and lottery tickets in a convenience store. The commercial property owner had failed to clear the parking lot of ice and snow. Meteorological records obtained during discovery in this case demonstrated that it has snowed 6-8 inches the night before and had stopped snowing at approximately

3:00 a.m. on November 8, 2012. Norm argued that such failure to plow resulted in an unsafe, dangerous and hazardous condition for the customers of the commercial businesses located in the shopping plaza. When T.F. attempted to drive through the lot, his car became stuck in the snow and ice and when he attempted to get out of his car to seek assistance, he caused to slip and fall on 6-8 inches of untreated snow and ice. As a consequence of his fall, Plaintiff T.F. sustained injuries to his neck, back and right wrist requiring

him to undergo surgeries to his wrist, a C6-7 anterior cervical discectomy (and single level fusion), and an L5-S1 lumbar discectomy. The Defendants argued that the snow in the lot, while unplowed, was an open and obvious condition and that Plaintiff was comparatively negligent. Further, Defendant argued that Plaintiff T.F.'s neck and back injuries were pre-existing and unrelated to the subject fall.

# \$1 Million Awarded to Man Injured in Crash on Route 37

Norm represented E.H., who settled his pending Ocean County personal injury case for \$1 Million. On July 6, 2012, E.H. was driving on Route 37 when a truck crossed over the center median and collided into the front of his vehicle. The truck had been traveling in the opposing lane of travel when it came upon a vehicle that stopped in the left lane to retrieve a wallet that had been mistakenly left on the hood of the car. The truck failed to stop, striking the car before crossing over the median into opposing traffic,

colliding into E.H., who was in the left lane. E.H., then 42, suffered a herniation of C6-7 and a disc bulge at C4-5. After undergoing an unsuccessful course of physical therapy and epidural injections, E.H. had a two-level anterior discectomy and fusion performed approximately two years after the crash. Norm successfully resolved the claims he filed against both the driver who had stopped to retrieve the wallet and the commercial construction company who employed the truck driver.



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